I.I.R. 7. Trial Procedures - Venue - Arrest or Bail Prohibited - Court Trials - Findings and Judgment.

Idaho Infraction Rule 7. Trial Procedures - Venue - Arrest or Bail Prohibited - Court Trials - Findings and Judgment.

(a) Evidence and Burden of Proof. The burden of proof and the rules of evidence in a trial of an infraction citation or complaint shall be those provided for a trial of a criminal action.

(b) Venue. All appearances by the defendant and the trial of an infraction, if any, shall be in the county where the alleged offense occurred. No infraction charge shall be transferred to the court of another county, except in cases where the infraction is committed in a city thatis located in two counties the venue may be transferred in accord with I.C. 19-305.

(c) Arrest or Bail Prohibited. An infraction violation has been declared by statute to be a civil public offense, not constituting a crime, so that a defendant charged with an infraction violation shall never be arrested for the infraction and shall never be required to post bail on such charge. Bail is prohibited and cannot be posted and forfeited for an infraction.

(d) Trial by Court. There is no right to a trial by jury of a citation or complaint for an infraction and such trials shall be held before the court without a jury.

(e) Findings and Judgment. If the court does not find, beyond a reasonable doubt, that the defendant committed the infraction offense, it shall enter judgment for the defendant. If the court finds, beyond a reasonable doubt, that the defendant committed the infraction offense, it shall enter judgment against the defendant as provided in Rule 9. No written findings of fact by the court shall be required.

(Adopted March 23, 1983, effective July 1, 1983; amended March 23, 1990, effective July 1, 1990; amended Novemer 6, 2002, effective November 6, 2002.)

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